

REMARKS/ARGUMENTS

In response to the non-final Office Action dated August 17, 2010, Applicants respectfully request reconsideration and allowance of the instant application based upon the amendment and arguments presented herein. Claims 2, 7, 9, 10, 12-17, 19 and 20 have been amended. Claims 21 and 22 have been added. No new matter has been introduced. Claims 2-10 and 12-22 are pending in this application.

Interview of November 3, 2010

Applicants thank the courtesies extended by the examiner in the Interview conducted on November 3, 2010. In the interview, Applicants and the examiner discussed the features of claim 12 and additional features of the instant application. This response reflects the substance of the interview.

Rejections

Claims 2-6, 9-10, 12-16 and 19-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,289,314 to Matsuzaki et al (“Matsuzaki”).

Claims 7-8 and 17-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsuzaki in view of U.S. patent no. 5,999,629 to Heer et al. (“Heer”).

Applicants respectfully traverse these rejections for at least the following reasons.

Amended independent claim 12 recites, among other features, a remote server configured to:

store in storage a video program encrypted in a first encrypted form received from one of at least one programming source which is located remote from the remote server,

receive a user request from a user device, [and]

in response to receiving the user request, retrieve the video program encrypted in the first encrypted form from the storage and process the video program encrypted in the first encrypted form to produce a decrypted video program.

The Office Action, at pages 3-4, alleges that Matsuzaki anticipates features related to storing and retrieving. However, Matsuzaki is deficient for at least the following reasons. Matsuzaki does

not “store in storage a video program encrypted in a first encrypted form,” as recited by claim 12. In support of this rejection, the Office Action, at page 3, relies on Matsuzaki, col. 13, ll. 55-56. The sentence at Matsuzaki, col. 13, ll. 55-56, states, “In another case, the pay information received and descrambled by the server 2 is temporarily recorded in the server 2, then read out according to a request from the terminal 3, and used at the terminal 3, etc.” Thus, the Office Action characterizes Matsuzaki’s “pay information” as allegedly describing a “video program encrypted in the first encrypted form.” However, even assuming, without admitting, that the pay information of Matsuzaki is equivalent to a video program, as recited in claim 12, the pay information of Matsuzaki is not stored “in storage...in a first encrypted form,” as recited by claim 12. Indeed, as discussed in the interview, Matsuzaki explicitly states that the pay information is first “descrambled” and then stored in a temporary storage. Matsuzaki, col. 13, ll. 55-56.

Therefore, Matsuzaki does not anticipate a remote server configured to “store in storage a video program encrypted in a first encrypted form received from at least one programming source which is located remote from the remote server,” as recited by claim 12.

Additionally, as discussed in the interview, because Matsuzaki does not store a video program in a first encrypted form, Matsuzaki also does not anticipate a remote server configured to “receive a user request from a user device; [and] in response to receiving the user request, retrieve the video program encrypted in the first encrypted form from the storage and process the video program encrypted in the first encrypted form to produce a decrypted video program,” as recited by claim 12. Accordingly, Matsuzaki does not anticipate all features of independent claim 12.

Independent claim 13 recites, among other features, a distribution center comprising a remote server configured to:

store the video program encrypted in the second encrypted form in storage,
receive a user request, and

in response to the user request, retrieve the video program in the second encrypted form from storage and transmit the video program in the second encrypted form to the user device using a distribution network of the content provider.

The Office Action, at page 6, alleges that Matsuzaki anticipates features related to storing and retrieving. Matsuzaki is deficient for at least the following reasons. As discussed above with respect to claim 12, Matsuzaki explicitly states that the pay information is first “descrambled” and then stored in a temporary storage. Matsuzaki, col. 13, ll. 55-56. Because Matsuzaki merely describes descrambling and then storing the descrambled data, Matsuzaki does not anticipate a remote server configured to: “store the video program encrypted in the second encrypted form in storage, receive a user request, and in response to the user request, retrieve the video program in the second encrypted form from storage and transmit the video program in the second encrypted form to the user device using a distribution network of the content provider,” as recited in claim 13. Accordingly, Matsuzaki does not anticipate all features of independent claim 13.

Claims 2-6, 9, 10, 14-16, 19 and 20 depend from one of independent claims 12 and 13, and distinguish over the cited documents for the same reasons as their base independent claim, and further in view of the novel and non-obvious features recited therein. For example, claim 10 recites, among other features, “wherein the at least one programming source comprises a video-on-demand source.” As discussed in the interview, Matsuzaki merely describes receiving pay information from a server. *See, e.g.*, Matsuzaki, col. 13, lines 18-26. The pay information can be “display, audio output, data processing, etc.” *Id.* Neither the pay information nor the server sending the pay information teaches or suggests “wherein the at least one programming source comprises a video-on-demand source,” as recited by claim 10.

Claim 20 recites language similar to claim 10 and is similarly allowable over Matsuzaki.

Claims 7 and 8 depend from claim 12 and claims 17 and 18 depend from claim 13. The action relies on the combination of Matsuzaki and Heer to show the features of these claims. However, Heer fails to remedy at least the above noted defects of Matsuzaki with respect to independent claims 12 and 13. Even assuming, but not conceding, that the combination of Matsuzaki and Heer would have been proper, the combination would not have resulted in any of the combinations of features in claims 7, 8, 17 and 18.

In addition, claim 8 recites, among other features, that “the video program in the second encrypted form is encrypted according to a Data Encryption Standard (DES).” The Office Action at page 8 relies on Heer’s “DES processor” for these features. However, in Heer, “DES”

stands for “Digital Encryption System.” Heer, col. 8, line 67. A “Digital Encryption System” does not teach or suggest a “video program in the second encrypted form is encrypted according to a Data Encryption Standard (DES),” as recited by claim 8.

Claim 18 recites similar language to claim 8 and is similarly distinguishable.

New claims

New claims 21 and 22 have been added. Support for these new claims can be found throughout the originally filed specification, claims and figures. For example, support for claims 21 and 22 can be found at Figures 4 and 5, and at paragraphs [0019] and [0024]-[0035] of the instant application’s printed publication (U.S. Application Publication No. 2004/0091109). Although these claims have not been rejected, the following comments are in support of these claims. Claim 21 depends from claim 12 and is allowable over the cited documents for at least the same reasons as its base claim, and further in view of the various novel and non-obvious features recited therein. Independent claim 22, while different in scope, recites language substantially similar to the features discussed above with respect to claims 12 and 13. Accordingly, claim 22 is similarly allowable over Matsuzaki.

CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,
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